

IN RE: PETITION FOR ZONING VARIANCE
S/S Roxboro Road, 500' NE of
the c/l of Chapel Hill Drive
(1304 Roxboro Road)
14th Election District
7th Councilmanic District
Diversified Philadelphia Road
Ltd. Partnership - Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a window to property line setback of 10.7 feet in lieu of the required 15 feet and to amend the First Amended Final Development Plan of "Kahler Property" for Lot #29, as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Ellwood Sinsky, Vice President, DIA-Philadelphia Road, Inc., a General Partner, appeared and testified. Wilbur Duvall with W. Duvall & Associates, Inc. also appeared and testified on behalf of the Petitioner. There were no Protestants.

Testimony indicated that the subject property, zoned D.R. 5.5, is known as Lot #29 of the Kahler Property. The property abuts a panhandle drive along with five other lots. Mr. Duvall testified that the six houses along this panhandle drive were improperly staked out and as a result, the window setback for the dwelling on Lot #29 does not meet the setback requirement of 15 feet. The error was not discovered until the foundation was completed and certified the end of January 1988. Mr. Duvall further testified that there would be no invasion of privacy to the adjoining property as that dwelling is approximately 90 feet away from the dwelling on Lot #29.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore, the variance

should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, in the opinion of the Deputy Zoning Commissioner, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of April, 1988 that a window to property line setback of 10.7 feet in lieu of the required 15 feet and to amend the First Amended Final Development Plan of "Kahler Property" for Lot #29, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Variance is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

AMN:bjs

ORDER RECEIVED FOR FILING
Date 4/21/88
By [Signature]

Diversified Philadelphia Road Ltd. Part.
S/S Roxboro Road, 500' NE of Chapel Hill Drive
14th Election District - 7th Councilmanic District
14th Election District - 7th Councilmanic District
Case No. 88-430-A

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

MAR 02 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
Case numbers 88-430-A
S/S Roxboro Road, 500' NE c/l Chapel Hill Drive
(1304 Roxboro Road)
14th Election District - 7th Councilmanic District
Petitioner(s): Diversified Philadelphia Road Limited Partnership
HEARING SCHEDULED: THURSDAY, APRIL 19, 1988 at 10:00 a.m.

Variance to permit a window setback of 10.7 feet to the property line in lieu of the required 15 feet. And to amend the First Amended Final Development Plan of "Kahler Property" Lot 29.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain using this period for good ed in this office by the date

BALTIMORE COUNTY, MARYLAND No. 47512
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 4/21/88 ACCOUNT 01-615
AMOUNT \$ 35.00

RECEIVED [Signature]
FOR [Signature]

BALTIMORE COUNTY, MARYLAND No. 47512
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1.B01.2c6. (MB.SB...CMDE) To permit a window setback of 10.7 feet to the property line in lieu of the required 15 feet. And to amend the First Amended Final Development Plan of "Kahler Property" Lot 29.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s): Diversified Philadelphia Road Limited Partnership - General Partner DIA - Philadelphia Road, Inc.
(Type or Print Name) (Type or Print Name)
Signature [Signature] Signature [Signature]
(Type or Print Name) (Type or Print Name)
Address [Address] Address [Address]
City and State [City and State] City and State [City and State]
Atorney for Petitioner: 2416 Velvet Valley Way 361-6644
(Type or Print Name) Address Phone No.
Signature [Signature] City and State [City and State]
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Ellwood A. Sinsky
2416 Velvet Valley Way
Owings Mills, MD 21117 361-6644
City and State [City and State] Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 16th day

of 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 19th day of April, 1988, at 10 o'clock a.m.

ESTIMATED LENGTH OF HEARING 1/2 HR. (over)
AVAILABLE FOR HEARING 4:15 P.M.
HEARING (TUESDAY) - NEXT TWO THURSDAYS
OTHER
REMOVED BY: CVR DATE 4/21/88

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: [Date]

Mr. Ellwood A. Sinsky
Diversified Philadelphia Road Limited Partnership
2416 Velvet Valley Way
Owings Mills, Maryland 21117

Re: Petition for Zoning Variance
Case numbers 88-430-A
S/S Roxboro Road, 500' NE c/l Chapel Hill Drive
(1304 Roxboro Road)
14th Election District - 7th Councilmanic District
Petitioner(s): Diversified Philadelphia Road Limited Partnership
HEARING SCHEDULED: THURSDAY, APRIL 19, 1988 at 10:00 a.m.

Dear Mr. Sinsky:

Please be advised that \$35.00 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 106, 111 W. Chesapeake Avenue, Towson, Maryland 21204 (15) minutes before

BALTIMORE COUNTY, MARYLAND No. 50544
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 4/21/88 ACCOUNT 01-615
AMOUNT \$ 115.50

RECEIVED [Signature]
FOR [Signature]

BALTIMORE COUNTY, MARYLAND No. 50544
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

W. DUVAL & ASSOCIATES, INC.

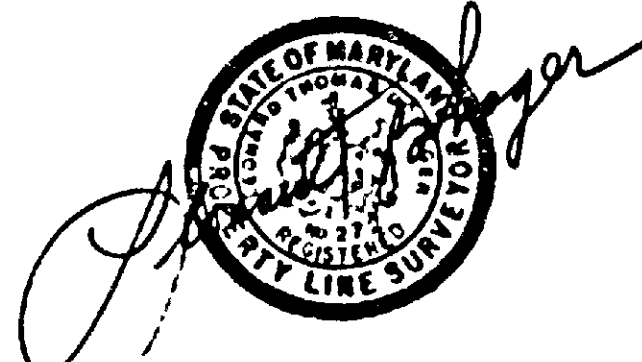
Engineers • Surveyors • Land Planners

January 22, 1988
Zoning Description

BEGINNING for the same at a point located on the southernmost side of Roxboro Road, 50 feet wide, said point also being located 500 feet plus or minus northeast of the centerline intersection of Roxboro Road and Chapel Hill Drive, thence running on the southernmost side of Roxboro Road southeasterly by a curve to the right having a radius of 300.00 feet and an arc length of 22.83 feet; thence South 70 degrees 55 minutes 00 seconds East 47.20 feet; thence leaving Roxboro Road South 19 degrees 05 minutes 00 seconds West 68.00 feet; thence North 70 degrees 55 minutes 00 seconds West 70.00 feet; thence North 19 degrees 05 minutes 00 seconds East 67.13 feet to the point of beginning.

Containing 0.1070 Acres of land, more or less.

Being Lot No. 29 as shown on a plat entitled "Kahler Property" as recorded among the Plat Records of Baltimore County in Liber E.H.K., Jr. 55 folio 21, said lot being in the 14th Election District also being known as 1304 Roxboro Road.



530 East Joppa Road / Towson, Maryland 21204 / (301) 543-9571

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 14th Date of Posting: 4/21/88
Posted for: Variance
Petitioner: Diversified Philadelphia Road Ltd. Partnership
Location of property: S/S Roxboro Rd., 500' NE of Chapel Hill Drive
Location of Sign: 2416 Velvet Valley Way, Owings Mills, Md. 21117
Remarks: [Blank]
Posted by: [Signature] Date of return: 4/21/88
Number of Signs: 1

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222 March 31, 1988

THIS IS TO CERTIFY, that the annexed advertisement of Case 88-420-A - P.O. #98739 - Req. #M11878 - 82 line \$41.00 was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 1st day of April 1988; that is to say, the same was inserted in the issues of March 31, 1988

Kimbel Publication, Inc.
per Publisher.

By [Signature]

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner

Date: April 1, 1988

FROM: P. David Fields
Director of Planning and Zoning
Zoning Petition Nos. 88-401-A,
88-415-A, 88-418-A, 88-430-A,
SUBJECT: 88-431-SPHA, 88-435-A, 88-433-A

There are no comprehensive planning factors requiring comment on this petition.

P. David Fields per J. Howell
P. David Fields
Director

PDF:JGH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

RECEIVED
APR 6 1988

ZONING OFFICE

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 13, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. Ellwood A. Sinsky
Diversified Philadelphia Road
2416 Velvet Valley Way
Owings Mills, Maryland 21117

Item No. 275 - Case No. 88-430-A
Petitioner: Diversified Philadelphia Road
Limited Partnership
Petition for Zoning Variance

MEMBERS

Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
Development

Dear Mr. Sinsky:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning are not requested, but to assure that all parties are made aware of action or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:cer

Enclosures

cc: W. Duvall & Associates, Inc.
530 E. Joppa Road
Towson, Maryland 21204

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

March 2, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

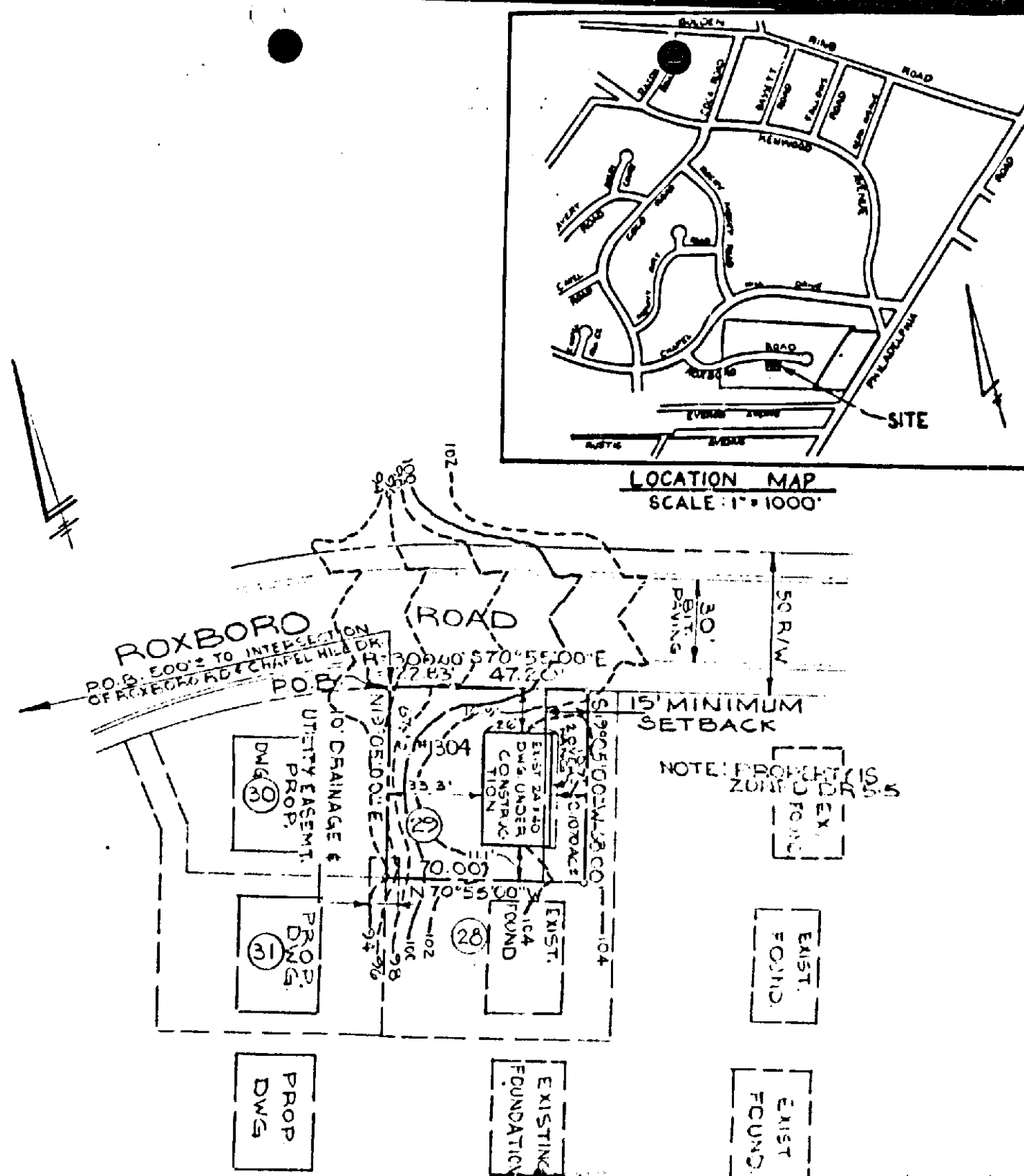
The Bureau of Traffic Engineering has no comments for items number 269, 270, 271, 272, 273, 276, 277 and 278.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/pal-b

RECEIVED
MAR 9 1988
ZONING OFFICE



PREPARED BY
W. DUVALL & ASSOC. INC.
530 EAST JOPPA ROAD
TOWSON, MD. 21204
1301 582-9571

LOT 29 KAHLER PROPERTY
1304 ROXBORO ROAD
RECORDED IN PLATBOOK E.H.W.R. 55101021
14TH ELECTION DISTRICT BALTIMORE CO., MD.
SCALE: 1" = 50' JANUARY 22, 1988

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

February 4, 1988

Re: Property Owner: Diversified Philadelphia Rd. Ltd. Partnership
Location: S/S Roxboro Ct. 500' NE c/1 Chapel Hill Dr.
Item No.: 275
Zoning Agenda: Meeting of 2/9/88

Gentlemen:

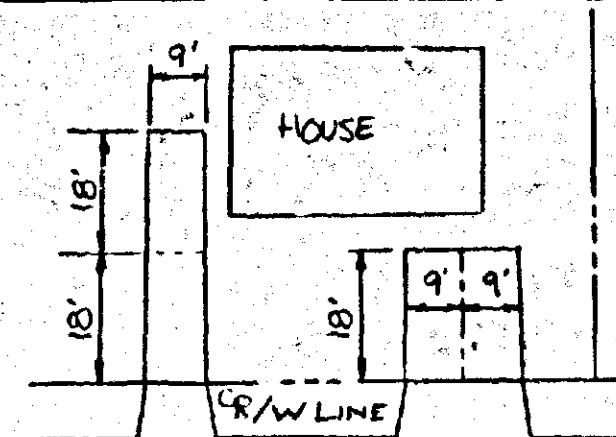
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: John F. O'Neill
Planning Group
Special Inspection Division

Noted and Approved: John F. O'Neill
Fire Prevention Bureau

/s/



PARKING DETAIL
NO SCALE

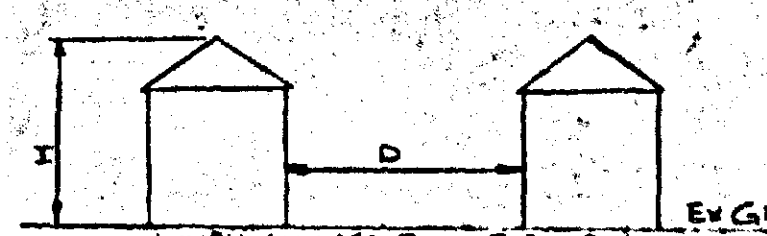
NOTE: PARKING SPACES TO BE COVERED WITH MIN. TAR & CHIP

SIGHT DISTANCE NOTE
INDICATES AN AREA TO BE KEPT FREE OF SIGHT OBSTRUCTIONS ANY LANDSCAPING SHOULD BE OF THE LOW GROUND COVER TYPE OR TREES WRAPPED TO A HEIGHT OF 8' AS TO PREVENT OBSTRUCTIONS FROM LEAF BRANCHES

ZONING REQUIREMENTS

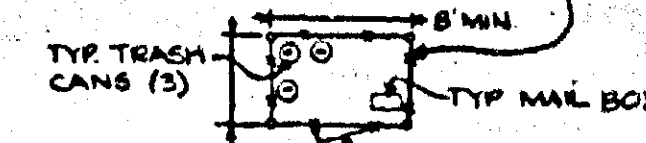
ALL UNITS

WINDOW TO WINDOW - 40'
WINDOW TO TRACT BOUNDARY - 35'
WINDOW TO STREET R/W - 25'
WINDOW TO LOT LINE - 15'
BUILDING TO TRACT BOUNDARY - 30'
MINIMUM SIDE YARDS - 6'



TYPICAL PAVING SECTION
NO SCALE

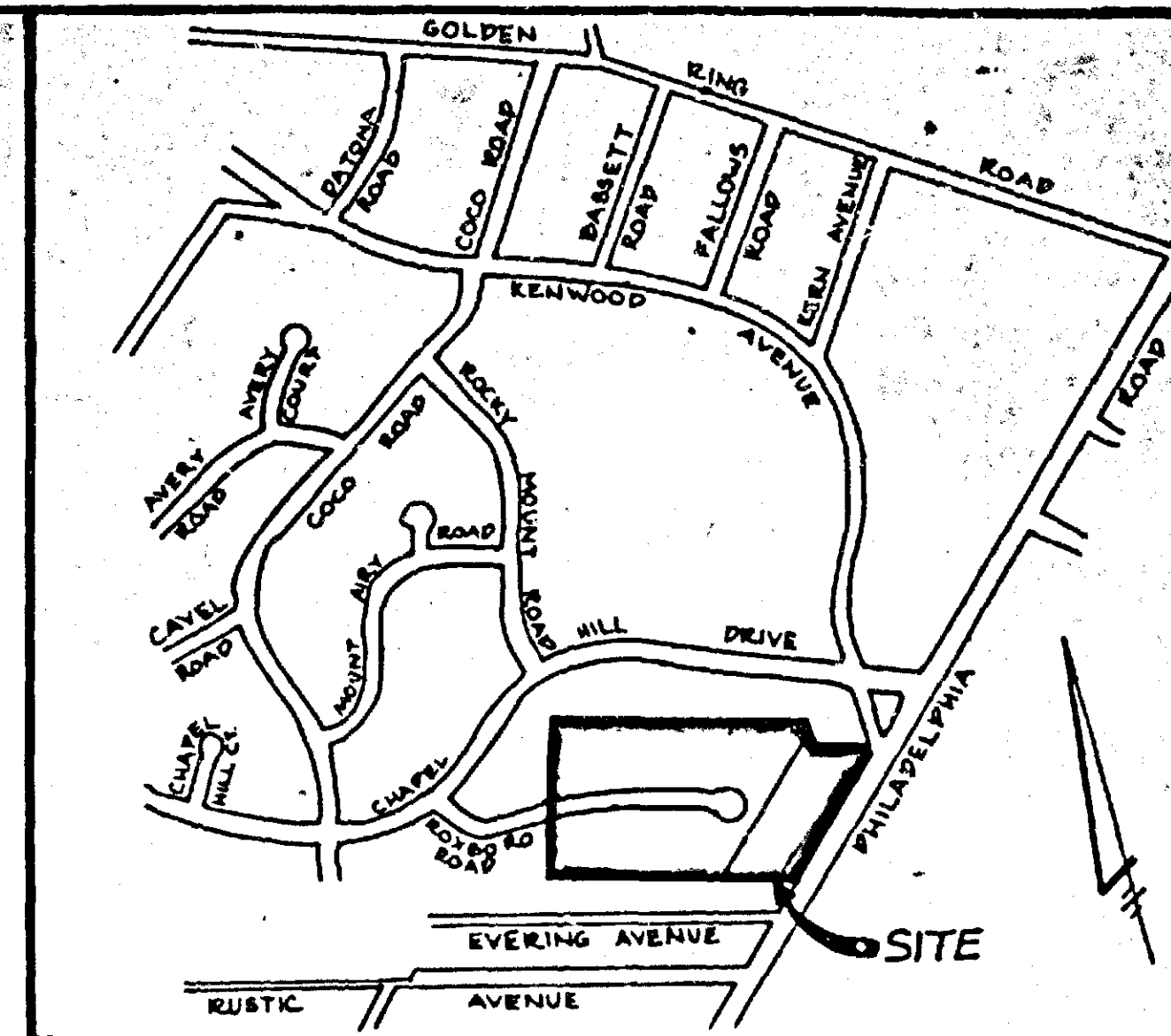
PAD SHALL PROVIDE A MINIMUM OF 16 SF OF AREA FOR EACH RESIDENCE SERVED
PAD TO HAVE 48" HIGH WOODEN STOCKADE OR MASONRY PRIVACY WALL



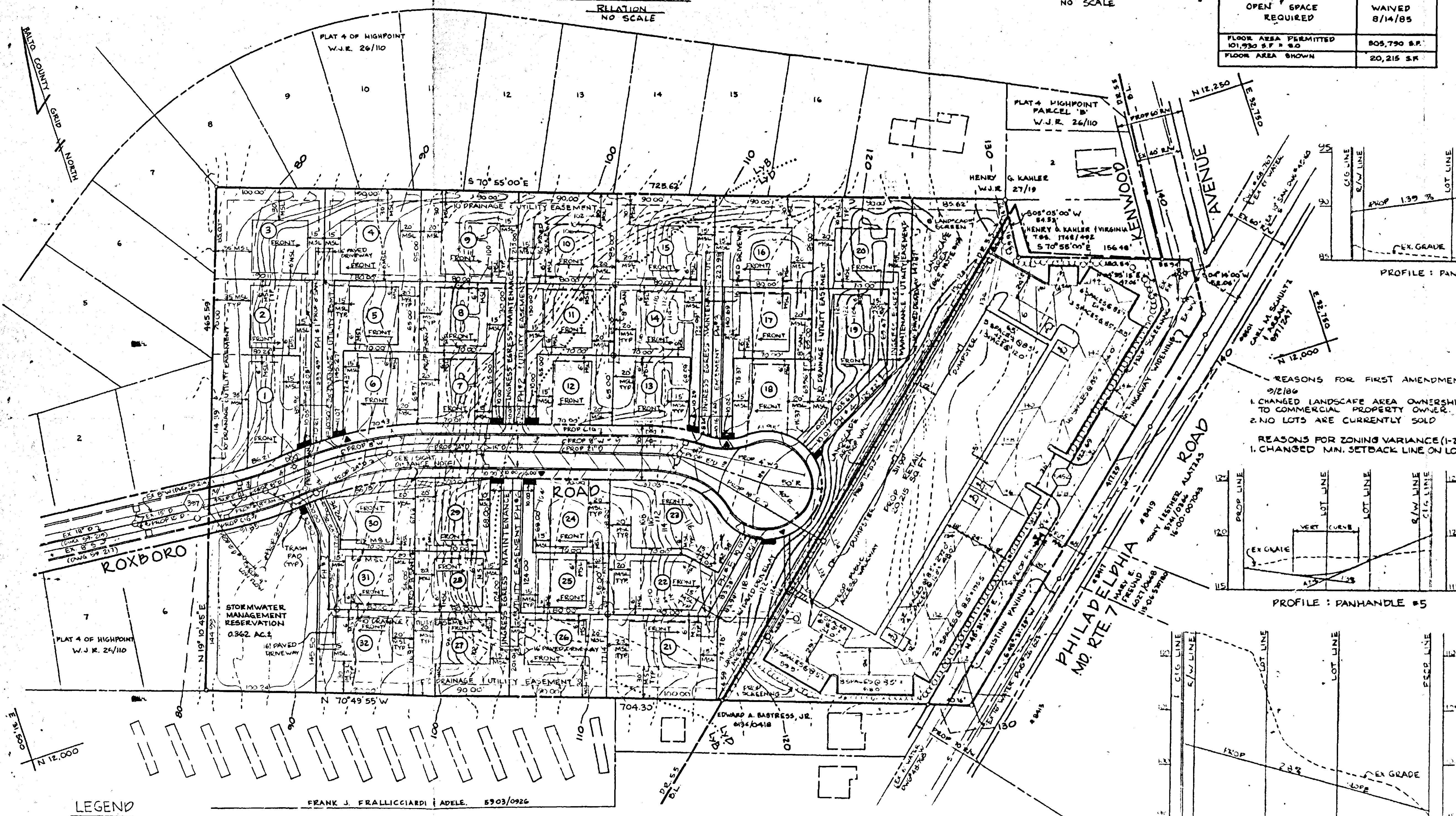
DETAIL FOR TRASH / MAIL PAD ENCLOSURE
NO SCALE

DENSITY CALCULATIONS

GROSS AREA	8.652 AC ±
HIGHWAY DEDICATION	0.377 AC ±
NET AREA	8.275 AC ±
ZONING D.E.S. B.L.	6.428 AC ±
LOTS PERMITTED	6.48 ± 8.5
LOTS PROPOSED	32
GROSS DENSITY	370
NET DENSITY	387
OPEN SPACE REQUIRED	WAIVED 8/14/85
FLOOR AREA PERMITTED 101,930 S.F. ± 9.0	805,790 S.F.
FLOOR AREA SHOWN	20,215 S.F.



LOCATION MAP
SCALE: 1" = 500'



LEGEND

STREET LIGHT - ▲
PROPOSED CONTOUR - ---100---
EXISTING CONTOUR - - - - -
SOIL TYPE DIVISION - L/D
MINIMUM BUILDING SETBACK LINE - 1/4" S.L.

SOILS	HYDRO. CLASS	WITH BASEMENTS	W/O BASEMENTS	STREETS + PARKING
LOAMY AND CLAYEY LAND L/D	C	SEVERE: SUBSOIL SHRINKAGE AND INSTABILITY	SEVERE: SUBSOIL SHRINKAGE AND INSTABILITY	SEVERE: SUBSOIL SHRINKAGE AND INSTABILITY
	C	SEVERE: SUBSOIL SHRINKAGE AND INSTABILITY	SEVERE: SUBSOIL SHRINKAGE AND INSTABILITY	SEVERE: SUBSOIL SHRINKAGE AND INSTABILITY

OFFICE OF PLANNING AND ZONING APPROVED BY:

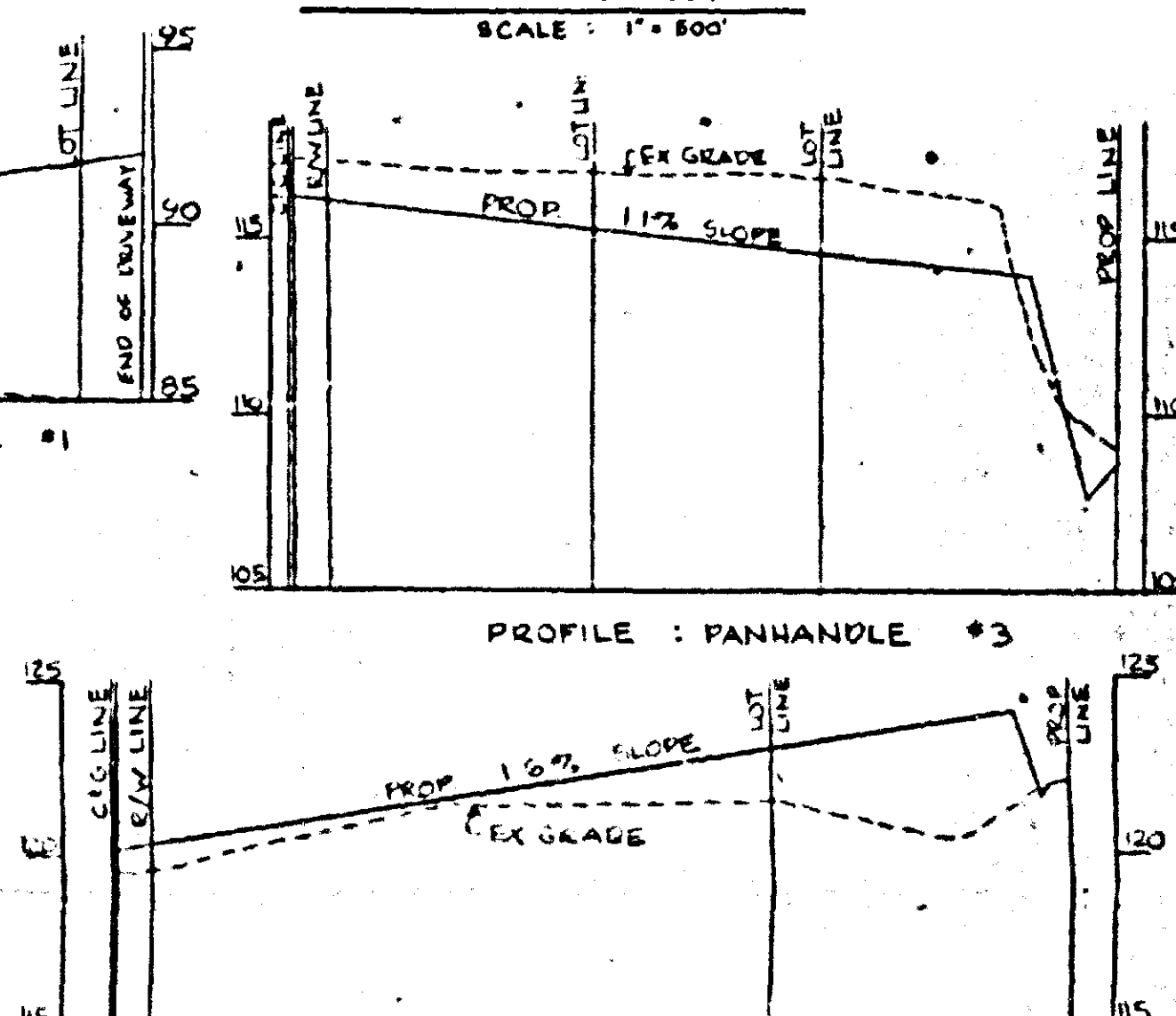
DIRECTOR OF PLANNING DATE
ZONING COMMISSIONER DATE

OWNER / DEVELOPER
DIVERSIFIED PHILADELPHIA ROAD LIMITED PARTNERSHIP
GENERAL PARTNER DIA-PHILADELPHIA ROAD INC.
ELLWOOD SINSKY V.P.
2416 VELVET VALLEY WAY
OWINGS MILLS, MD 21117
(301) 363-6644

ENGINEER
W. DUVALL & ASSOC. INC.
530 E. JOFFA ROAD
TOWSON, MD 21204
(301) 583-9571

REASONS FOR FIRST AMENDMENT:
9/2/86
1. CHANGED LANDSCAPE AREA OWNERSHIP TO COMMERCIAL PROPERTY OWNER
2. NO LOTS ARE CURRENTLY SOLD

REASONS FOR ZONING VARIANCE (1-28-88):
1. CHANGED MIN. SETBACK LINE ON LOT 27.



NOTES

- DEED REFERENCE: 5488/049
- UNITS TO BE SOLD
- DATE APPROVED PLAN: 10/31/85 AMENDED 3/19/86
- PARKING REQUIRED: 2 PARKING SPACES PER UNIT
2 x 32 = 64 PARKING SPACES
- PARKING PROPOSED: A MINIMUM OF 2 OFF STREET PARKING SPACES PER UNIT
- LANDSCAPE REQUIREMENT: A MINIMUM OF ONE TREE PER LOT
- DRIVEWAYS ARE TO BE TAR & CHIP
- PANHANDLE DRIVES ARE TO BE BITUMINOUS AND MAINTENANCE WILL BE EQUALLY SHARED BY ALL PARTIES HAVING RIGHTS TO THEIR USE
- REFUSE COLLECTION AND SNOW REMOVAL ARE TO BE PROVIDED BY BALTIMORE COUNTY
- STORM WATER WILL BE MANAGED IN 1 DRY POND WHICH WILL BE OWNED AND MAINTAINED BY BALTIMORE COUNTY
- OPEN SPACE REQUIREMENT WAS WAIVED AS OF 8/14/85
- THERE ARE NO EXISTING OR PROPOSED WELL & SEPTIC AREAS ON THE SITE
- THERE ARE NO EXISTING STRUCTURES ON THE SITE
- THERE ARE NO KNOWN WETLANDS, CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, OR HAZARDOUS MATERIALS ON THIS SITE
- MAJOR VEGETATION ON SITE IS MEDIUM
- ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES, PROJECTIONS INTO YARDS, MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE BUT MUST COMPLY WITH SECTIONS 450 AND 501 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS)
- LIMITS OF AREAS DESIGNATED FOR SAVING EXISTING VEGETATION ARE APPROXIMATE AND SUBJECT TO APPROVED FINAL CONSTRUCTION DRAWINGS
- RETAIL PARKING REQUIRED: 102 SPACES
20 x 15 = 300 ± 10 x 10
KETTLE PARKING SHOWN: 109 SPACES
10 x 15 = 150 ± 5 x 14 = 70 ±
LANDSCAPE AREA TO BE OWNED AND MAINTAINED BY COMMERCIAL PROPERTY OWNER

AMENDED PLAN TO ACCOMPANY ZONING VARIANCE
FINAL DEVELOPMENT PLAN

KAHLER PROPERTY

14TH ELECTION DISTRICT BALTIMORE COUNTY, MD. #215

SCALE: 1" = 50'
PANHANDLE PROFILES
SCALE: 1" = 50'
VERT: 1" = 5'

DATE: 4/1/86

1/Sign